

§ 430.57

§ 430.57 Duration of temporary exemption.

A temporary exemption terminates according to its terms but not later than twenty-four months after the effective date of the rule for which the exemption is allowed.

Subpart F—Certification and Enforcement

SOURCE: 54 FR 6081, Feb. 7, 1989, unless otherwise noted.

§ 430.60 Purpose and scope.

This subpart sets forth the procedures to be followed for certification and enforcement testing to determine whether a basic model of a covered product complies with the applicable energy conservation standard or water conservation standard (in the case of faucets, showerheads, water closets, and urinals) set forth in subpart C of this part. Energy conservation standards and water conservation standards (in the case of faucets, showerheads, water closets, and urinals) include minimum levels of efficiency and maximum levels of consumption (also referred to as performance standards), and prescriptive energy design requirements (also referred to as design standards).

[63 FR 13319, Mar. 18, 1998]

§ 430.61 Prohibited acts.

(a) Each of the following is a prohibited act pursuant to section 332 of the Act:

(1) Failure to permit access to, or copying of records required to be supplied under the Act and this rule or failure to make reports or provide other information required to be supplied under this Act and this rule;

(2) Failure of a manufacturer to supply at his expense a reasonable number of covered products to a test laboratory designated by the Secretary;

(3) Failure of a manufacturer to permit a representative designated by the Secretary to observe any testing required by the Act and this rule and inspect the results of such testing;

(4) Distribution in commerce by a manufacturer or private labeler of any new covered product which is not in

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compliance with an applicable energy efficiency standard or water conservation standard (in the case of faucets, showerheads, water closets, and urinals) prescribed under the Act and this rule; or

(5) For any manufacturer, distributor, retailer, or private labeler to distribute in commerce an adapter that—

(i) Is designed to allow an incandescent lamp that does not have a medium screw base to be installed into a fixture or lamp holder with a medium screw base socket; and

(ii) Is capable of being operated at a voltage range at least partially within 110 and 130 volts.

(6) For any manufacturer or private labeler to knowingly sell a product to a distributor, contractor, or dealer with knowledge that the entity routinely violates any regional standard applicable to the product.

(b) In accordance with section 333 of the Act, any person who knowingly violates any provision of paragraph (a) of this section may be subject to assessment of a civil penalty of no more than \$110 for each violation. Each violation of paragraph (a) of this section shall constitute a separate violation with respect to each covered product, and each day of noncompliance with paragraphs (a) (1) through (3) of this section shall constitute a separate violation.

[54 FR 6081, Feb. 7, 1989, as amended at 62 FR 46183, Sept. 2, 1997; 63 FR 13319, Mar. 18, 1998; 74 FR 12070, Mar. 23, 2009]

EFFECTIVE DATE NOTE: At 74 FR 66032, Dec. 14, 2009, § 430.61 was amended by revising the first sentence of paragraph (b), effective Jan. 13, 2010. For the convenience of the user, the revised text is set forth as follows:

§ 430.61 Prohibited acts.

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(b) In accordance with section 333 of the Act, any person who knowingly violates any provision of paragraph (a) of this section may be subject to assessment of a civil penalty of no more than \$200 for each violation.

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